



## MEMORANDUM

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**DATE:** 6/13/2013  
**TO:** DODHH Advisory Council / Rules and Regulations Committee  
**FROM:** Sheryl Emery, Director  
**SUBJECT:** Rules and Regulations

During the past week I have had the chance of meeting and talking with several members of the legislature. One of the oft repeated messages was that they have never encountered a rule set that solicited as much passion or comment from any community. The legislature has clearly been made aware of the Deaf, Hard of Hearing, Deaf-Blind, and Interpreting community.

The MDCR – DODHH had filed the proposed interpreter rules and were seeking a special waiver of legislative procedure that would have enabled the rules to be immediately adopted and go into effect. We selected this course initially in order to put the rules into place as quickly as possible.

However, we now believe this is not the best thing to do, as we learned that requesting the waiver may weaken the strength of the rule set. Rules get their strength from a process that ensures that all opinions are heard and considered, even while recognizing that they of course cannot all be adopted. Rushing and obtaining the waiver now could potentially open us to litigation later, from people who feel they were not given enough time to review and comment on the proposed changes made after the previous comment period. More important than concerns about possible litigation, we have heard from many D/HH/DB people who were concerned that they were not being given an equal chance to present their concerns. We have determined that in the end, adopting better, securer and fully vetted rules must be the goal, not just speed.

Today with the approval and in full agreement MDCR-DODHH will withdraw our request for a waiver and the submitted rule set. We realize this may be disappointing, but by withdrawing the rule set, we can make the process fairer for all. We will re-publish and host a new public hearing in July or August.

In summary, the feedback you have given has been tremendous. The rules will be offered up again for your review. The community needs to continue to make the legislature aware of our needs, not just on these rules but on other issues as well. They, like appointing authorities are often called up on to make decisions related to our communication access, but with little understanding little of our needs. The proposed interpreting rules, bring appointing authorities closer to understanding effective communication requirements and standards. These rules are not about interpreters verses deaf, hard of hearing, or deaf-blind people, it's about access, ethics, skills, raising the bar, and identifying resources. It's about balancing a process that has mostly

excluded deaf, hard of hearing, or deaf-blind people from having input on the services they receive. Bringing about that balance requires that all opinions are considered before decisions are made, so we look forward to providing this additional opportunity to ensure that your opinions are part of this process.